

**AMENDMENT TO H.R. 3524, AS REPORTED
OFFERED BY MS. WATERS OF CALIFORNIA, MR.
FRANK OF MASSACHUSETTS, AND MR. WATT
OF NORTH CAROLINA**

Page 9, strike lines 7 through 12, and insert the following:

1 “(I)(aa) provides for replacement
2 in accordance with subsection (j) of
3 100 percent of all dwelling units in
4 existence as of January 1, 2005, that
5 are subject to the revitalization plan
6 and that have been or will be demol-
7 ished or disposed of, on the site of”.

Page 9, line 15, before the semicolon insert the following: “, or (bb) pursuant to subsection (j)(1)(B), requests a reduction of the percentage specified in subsection (j)(1)(A) and provides for replacement of dwelling units demolished or disposed of in accordance with the percentage requested”.

Page 9, line 18, strike “tenants” and insert “residents”.

Page 9, strike “and” in line 24 and all that follows through “(p)(1)” on page 10, line 2, and insert “(as modified by any percentage reduction requested under subsection (j)(1)(B))”.

Page 11, line 9, before the comma insert “(including nonprofit housing developers)”.

Page 13, line 4, before the last comma insert “(including nonprofit housing developers)”.

Page 14, line 9, after “standard” insert “or standards”.

Strike line 16 on page 14 and all that follows through page 15, line 5, and insert the following: “construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to subsection (l)(3), but only to the extent such compliance exceeds the minimum level required under such systems and levels.”.

Page 15, line 13, before “individuals” insert “, but not limited to, elderly households, disabled households, households consisting of grandparents raising grandchildren, large families, households displaced by the revitalization plan in need of special services, and”.

Page 15, line 16, strike “State or Federal correctional facility” and insert “prison, jail, or other correctional facility of the Federal Government, a State government, or a unit of local government”.

Page 17, after line 21, insert the following:

1 (c) EXCLUSION OF GREEN DEVELOPMENT COSTS
2 FROM TOTAL DEVELOPMENT COSTS.—Subsection (f) of
3 section 24 is amended by adding after and below para-
4 graph (2) the following:
5 “In determining the total development costs for a revital-
6 ization plan, the Secretary shall not consider any costs of
7 compliance with green building rating systems and levels
8 identified by the Secretary pursuant to subsection (l)(3).”.

Page 21, line 6, before “dates” insert “approximate”.

Page 23, after line 3, insert the following new paragraph:

9 “(5) SIGNIFICANT AMENDMENTS OR CHANGES
10 TO PLAN.—A public housing agency may not carry
11 out any significant amendment or change to a revitalization plan unless—
12
13 “(A) the public housing agency has convened and conducted a public hearing regarding
14 the significant amendment or change at a time
15

1 and location that is convenient for residents of
2 the public housing subject to the plan and has
3 provided each household occupying a dwelling
4 unit in such public housing with written notice
5 of such hearing not less than 10 days before
6 such hearing; and

7 “(B) after such hearing, the public housing
8 agency consults with the households occupying
9 dwelling units in the public housing that are
10 subject to, or to be subject to the plan, and the
11 agency submits a report to the Secretary de-
12 scribing the results of such consultation; and

13 “(C) the Secretary approves the significant
14 amendment or change.

15 Notwithstanding subparagraph (C), if the Secretary
16 does not approve or disapprove a request for a sig-
17 nificant amendment or change to a revitalization
18 plan before the expiration of the 30-day period be-
19 ginning upon the receipt by the Secretary of the re-
20 port referred to in subparagraph (B), such request
21 shall be considered to have been approved.”.

Page 24, line 20, strike “either”.

Page 24, line 22, strike “or provide the tenant” and
insert “and continue to provide the household with com-

prehensive relocation assistance, or at the option of the household, provide the household”.

Page 26, strike line 13, and insert the following:

1 “(1) NUMBER.—
2 “(A) IN GENERAL.—For one hundred per-
3 cent, or such lower percentage as is provided
4 pursuant to subparagraph (B), of all”.

Page 26, strike “the date” in line 14 and all that follows through line 16 and insert the following: “January 1, 2005, that are subject to the revitalization plan and that have been or will be demolished or disposed of, the public hous-”.

Page 26, after line 18, insert the following:

5 “(B) WAIVER.—
6 “(i) AUTHORITY.—Upon the written
7 request of a public housing agency sub-
8 mitted as part of an application for a
9 grant under this section, the Secretary
10 may reduce the percentage applicable
11 under subparagraph (A) to a revitalization
12 plan of the agency to not less than 90 per-
13 cent, but only if—
14 “(I) the Secretary determines
15 that such written request has suffi-

1 ciently demonstrated a compelling
2 need for such reduction due to extenu-
3 ating circumstances, which shall in-
4 clude—

5 “(aa) a judgment, consent
6 decree, or other order of a court
7 that limits the ability of the pub-
8 lic housing agency to comply with
9 such requirements;

10 “(bb) a severe shortage of
11 land available to comply with
12 such requirements; and

13 “(cc) such other cir-
14 cumstances as the Secretary de-
15 termines on a case-by-case basis;
16 and

17 “(II) the reduction is narrowly
18 tailored such that it—

19 “(aa) reduces the percentage
20 only to the extent necessary to
21 address the particular extenu-
22 ating circumstances dem-
23 onstrated pursuant to subclause
24 (I); and

1 “(bb) is limited in a manner
2 that ensures the maximum extent
3 of compliance with the require-
4 ments of this subsection.

5 “(ii) REQUIRED AND IMPERMISSIBLE
6 CONSIDERATIONS.—In determining wheth-
7 er a compelling need for a reduction pursu-
8 ant to this subparagraph exists, and ex-
9 tenuating circumstances exist, for purposes
10 of clause (i), the Secretary—

11 “(I) shall take into consideration
12 the extent and circumstances of any
13 vacant public housing dwelling units
14 of the public housing agency;

15 “(II) shall take into consideration
16 the extent to which revitalization plan
17 provides additional amenities that will
18 improve the quality of the life of resi-
19 dents by increasing open space or by
20 providing health care or day care fa-
21 cilities or by providing larger units to
22 accommodate families; and

23 “(III) shall not base any such de-
24 termination solely or primarily upon
25 any financial hardship of a public

1 housing agency or any other financial
2 condition or consideration.

3 “(iii) NO WAIVER OF TIME LIMITS.—
4 The Secretary may not, under this sub-
5 paragraph, waive any requirement of para-
6 graph (3) (relating to timing). The pre-
7 ceding sentence may not be construed to
8 limit or otherwise affect the authority
9 under subsection (o)(3).

10 “(iv) PENALTY.—If, pursuant to this
11 subparagraph, the Secretary reduces the
12 percentage under subparagraph (A) appli-
13 cable to the revitalization plan of a public
14 housing agency, no grant under this sec-
15 tion may be made to such agency or for
16 any public housing of such agency at any
17 time that such agency is not in full compli-
18 ance with the requirements of this para-
19 graph, as modified by the terms of such re-
20 duction.”.

Page 30, after line 2, insert the following:

21 “Notwithstanding the preceding sentence, if a
22 public housing agency has limited areas within
23 its jurisdiction having low concentrations of
24 poverty, the replacement housing units provided

1 in addition to the dwelling units provided pur-
2 suant to subparagraph (A) may be provided
3 within a 25-mile radius of the mixed-income de-
4 velopment referred to in subparagraph (A).”.

Page 30, strike line 3 and all that follows through
“credit.” in line 13, and insert the following:

5 “(3) TIMING.—All replacement dwelling units
6 required pursuant to this subsection with respect to
7 the revitalization plan of a public housing agency
8 shall be provided not later than the expiration of the
9 54-month period that begins upon the execution of
10 the grant agreement under this section for the revi-
11 talization plan of the public housing agency.”.

Page 31, after line 2, insert the following:

12 “(5) PROJECT-BASED VOUCHERS.—There are
13 authorized to be appropriated such sums as may be
14 necessary for each of fiscal years 2009 through 2015
15 for providing replacement vouchers for project-based
16 rental assistance for the purpose of complying with
17 the one-for-one replacement requirement under this
18 subsection.”.

Page 33, line 1, strike “(3)” and insert “(4)”.

Page 33, line 3, after “standard” insert “or standards”.

Strike line 22 on page 33 and all that follows through page 34, line 9, and insert the following:

1 “(B) GREEN BUILDINGS CERTIFICATION
2 SYSTEM.—All non-residential construction
3 under the proposed plan complies with all minimum
4 required levels of the green building rating
5 systems and levels identified by the Secretary
6 pursuant to paragraph (3), as such systems and levels
7 are in effect for purposes of this subsection pursuant
8 to paragraph (4) at the time of the application for the grant.”
9

Page 35, after line 5, insert the following:

10 “(3) IDENTIFICATION OF GREEN BUILDINGS
11 RATING SYSTEMS AND LEVELS.—
12 “(A) IN GENERAL.—For purposes of this
13 section, the Secretary shall identify rating systems
14 and levels for green buildings that the Secretary
15 determines to be the most likely to encourage a
16 comprehensive and environmentally-sound approach
17 to ratings and standards for green buildings. The
18 identification of the ratings systems and levels shall
19 be based on

1 the criteria specified in subparagraph (B), shall
2 identify the highest levels the Secretary deter-
3 mines are appropriate above the minimum lev-
4 els required under the systems selected. Within
5 90 days of the completion of each study re-
6 quired by subparagraph (C), the Secretary shall
7 review and update the rating systems and lev-
8 els, or identify alternative systems and levels for
9 purposes of this section, taking into account the
10 conclusions of such study.

11 “(B) CRITERIA.—In identifying the green
12 rating systems and levels, the Secretary shall
13 take into consideration—

14 “(i) the ability and availability of as-
15 sessors and auditors to independently
16 verify the criteria and measurement of
17 metrics at the scale necessary to imple-
18 ment this subsection;

19 “(ii) the ability of the applicable rat-
20 ings system organizations to collect and re-
21 flect public comment;

22 “(iii) the ability of the standards to be
23 developed and revised through a consensus-
24 based process;

1 “(iv) an evaluation of the robustness
2 of the criteria for a high-performance
3 green building, which shall give credit for
4 promoting—

5 “(I) efficient and sustainable use
6 of water, energy, and other natural
7 resources;

8 “(II) use of renewable energy
9 sources;

10 “(III) improved indoor environ-
11 mental quality through enhanced in-
12 door air quality, thermal comfort,
13 acoustics, day lighting, pollutant
14 source control, and use of low-emis-
15 sion materials and building system
16 controls; and

17 “(IV) such other criteria as the
18 Secretary determines to be appro-
19 priate; and

20 “(v) national recognition within the
21 building industry.

22 “(C) 5-YEAR EVALUATION.—At least once
23 every five years, the Secretary shall conduct a
24 study to evaluate and compare available third-
25 party green building rating systems and levels,

- 1 taking into account the criteria listed in sub-
2 paragraph (B).”.

Page 35, line 6, strike “(3)” and insert “(4)”.

Page 35, lines 10 and 11, strike “ LEED rating systems” and insert “green building rating systems and levels”.

Page 35, line 12, after “(B)” insert “of paragraph (1)”.

Page 35, line 13, strike “and systems” and insert “, systems, and levels”.

Page 35, strike lines 21 through 24 and insert the following: “criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to paragraph (3).”.

Page 35, line 25, strike “LIMITATION ON EXCLUSION” and insert “CONSISTENT ELIGIBILITY AND OCCUPANCY STANDARDS”.

Page 36, line 5, strike “LIMITATION ON EXCLUSION” and insert “CONSISTENT ELIGIBILITY AND OCCUPANCY STANDARDS”.

Strike “. A household” in line 15, on page 36 and all that follows through page 37, line 7, and insert the following: “, including requirements under Federal law relating to safety and security in public and assisted housing and ineligibility of drug criminals, illegal drug users, alcohol abusers, and dangerous sex offenders, preferences for elderly and disabled residents, and ineligibility of persons convicted of methamphetamine offenses.”.

Page 37, after line 7, insert the following:

1 “(3) CONSISTENT OCCUPANCY STANDARDS FOR
2 DISPLACED FAMILIES.—Notwithstanding paragraph
3 (2), any household who occupied a dwelling unit in
4 public housing subject to a revitalization plan of a
5 public housing agency and that was displaced as a
6 result of the revitalization shall be subject, for pur-
7 poses of occupancy in replacement housing provided
8 pursuant to subsection (j) under the replacement
9 plan that is owned or managed, or assisted, by the
10 agency, only to policies, practices, standards, cri-
11 teria, and requirements regarding continued occu-
12 pancy in such original public housing (and not to
13 initial occupancy).”.

Page 38, line 7, after the period insert the following:

“Such benchmarks shall include completion of the provi-

sion of all replacement dwelling units provided pursuant to the requirements of subsection (j)".

Page 39, after line 5, insert the following:

1 “(D) project delays and cost increases due
2 to shortages in labor and materials as a direct
3 result of location in an area that is subject to
4 a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster and Emergency Assistance Act,
5 except that an extension of the period for compliance with performance benchmarks pursuant
6 to this subparagraph shall not be for a period
7 longer than 12 months;”.

Page 39, line 6, strike “(D)” and insert “(E)”.

Page 39, line 7, strike “(E)” and insert “(F)”.

Page 39, line 9, strike “(F)” and insert “(G)”.

Strike line 17 on page 39 and all that follows through “(2) URA.—” on page 40, line 1, and insert the following:

11 “(p) APPLICABILITY OF UNIFORM RELOCATION
12 ACT.—”.

Page 42, lines 17 and 18, strike “10 percent or more of the funds” and insert “20 percent or more of the total amount of HOPE VI grant amounts provided under this section”.

Page 44, after line 18, insert the following:

1 **SEC. 16. EXTENSION OF AVAILABILITY OF FUNDS FOR RE-**
2 **VITALIZATION PLANS DELAYED BY HURRI-**
3 **CANES.**

4 Notwithstanding any other provision of law, the Sec-
5 retary of Housing and Urban Development may not, be-
6 fore October 1, 2009, recapture any portion of a grant
7 made to a public housing agency to carry out a revitaliza-
8 tion plan under section 24 of the United States Housing
9 Act of 1937 (42 U.S.C. 1437v) if the public housing agen-
10 cy has suffered, as a direct result of Hurricane Katrina,
11 Wilma, or Rita of 2005—

- 12 (1) project delays; and
13 (2) cost increases due to shortages in labor and
14 materials.

Page 44, line 19, strike “**SEC. 16.**” and insert
“**SEC. 17.**”.

Page 45, after line 2, insert the following:

1 **SEC. 18. NON-CITIZEN ELIGIBILITY RESTRICTIONS.**

2 No person not lawfully permitted to be in or remain
3 in the United States is eligible for housing assistance
4 under this Act or the amendments made by this Act.
5 Nothing in this Act or the amendments made by this Act
6 alters the rules under section 214 of the Housing and
7 Community Development Act of 1980 (42 U.S.C.
8 §1436a).